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# ENVIRONMENTAL Fact Sheet

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29 Hazen Drive, Concord, New Hampshire 03301 • (603) 271-3503 • [www.des.nh.gov](http://www.des.nh.gov)

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## New Hampshire's Mercury-Added Product Regulations

On June 20, 2000, a new bill regulating mercury-added products was signed into law (Section 278; RSA 149-M:51 through 149-M:57). To reduce exposure to mercury and help further efforts to eliminate mercury-containing products from the solid waste stream, this law:

- Prohibits the use of mercury and most mercury-added products in schools;
- Limits the use of elemental mercury;
- Requires proper handling of elemental mercury;
- Requires manufacturers to notify the state about the mercury-added products they produce;
- Restricts the sale of mercury fever thermometers; and
- Prohibits the sale of mercury-added novelty items.

This fact sheet briefly discusses each of these requirements.

### USE OF MERCURY IN SCHOOLS

Effective January 1, 2001

Public and private schools in New Hampshire may not use elemental mercury, mercury compounds, or mercury-added instructional equipment and materials in primary or secondary classrooms. Only measuring devices containing mercury for which there is no adequate substitute can be used in school laboratories. DES believes there are adequate substitutes for most, if not all, mercury-added instructional equipment and measuring devices used in schools.

### Important Definitions

**Manufacturer:** Any person, firm, partnership, corporation, governmental entity, organization, combination, or joint venture that produces a product containing mercury or an importer or domestic distributor of a product containing mercury produced in a foreign country. In the case of a multi-component product containing mercury, the manufacturer is the last manufacturer to produce or assemble the product. If the multi-component product is produced in a foreign country, the manufacturer is the importer or domestic distributor.

**Mercury-Added Product:** A product or a product with a component that contains mercury or a mercury compound intentionally added to provide a specific characteristic, appearance, or quality or to perform a specific function or for any other reason.

***Mercury-Added Novelty Item:*** A mercury-added product intended mainly for personal or household enjoyment or adornment, including, but not limited to: items intended for use as practical jokes, figurines, adornments, toys, games, cards, ornaments, yard statues, candles, jewelry, holiday decorations, and items of apparel, including footwear.

***Mercury Fever Thermometer:*** A mercury-added product used for measuring body temperature.

Although not required by this law, DES encourages schools to remove and recycle their mercury and mercury-added products. For information on proper disposal and recycling, contact your local Household Hazardous Waste Coordinator or DES's Household Hazardous Waste Coordinator at (603) 271-2042.

### **Why Do We Need These Requirements?**

Mercury is highly toxic to humans and wildlife. It accumulates in the tissues of fish and other organisms inhabiting mercury-contaminated waters. Humans are exposed to mercury primarily by eating mercury-contaminated fish. Mercury exposure is particularly significant for the developing neurological systems of young children and can cause lowered intelligence, impaired hearing, and poor coordination. Due to these and other potentially serious health impacts, New Hampshire and 40 other states have warned citizens to limit their consumption of fish. Contact the NH Department of Health and Human Services at 1-800-852-3345 (x4664) or visit the [health advisories section](#) of their website for information on New Hampshire's fish consumption advisory. Mercury also adversely affects wildlife. Eagles, osprey, common loons, river otters, and other fish-eating animals may suffer premature death, weight loss, difficulties reproducing, and other problems as a result of eating mercury-contaminated fish.

Most of the mercury released to the atmosphere comes from the burning of mercury-containing garbage and the burning of coal, oil, and natural gas to provide energy. Mercury may also become airborne or released in wastewater when mercury-containing products are improperly handled. By reducing the amount of mercury that is used and improving the management and disposal practices for mercury-containing products, less mercury will be released to the environment.

## **USE OF ELEMENTAL MERCURY**

Effective January 1, 2001

Anyone selling or distributing elemental mercury in New Hampshire must have an official representative for the receiving organization sign a statement certifying that they:

1. Will use the mercury only for medical, dental, research or manufacturing purposes;
2. Understand that mercury is toxic and will store and use it appropriately so that no person is exposed to the mercury; and
3. Will not place or allow anyone under their control to place the mercury or cause the mercury to be placed in solid waste for disposal or in a wastewater disposal system.

The distributor or seller must also give the recipient a material safety data sheet with the elemental mercury shipment.

The Mercury and Mercury-Added Products Interim Rules (Env-Wm 3800), which include provisions pertaining to this requirement, as well a certification statement form and instructions are available at [www.des.state.nh.us/nhppp/mercury.htm](http://www.des.state.nh.us/nhppp/mercury.htm).

## **MERCURY FEVER THERMOMETERS**

Effective July 1, 2001

Consumers must have a doctor's prescription to obtain a mercury fever thermometer. Digital fever thermometers with **non-removable** button batteries also require a prescription. (Digital fever thermometers with removable button batteries can continue to be sold over-the-counter). In addition, manufacturers of mercury fever thermometers must supply clear instructions with each thermometer on the careful handling of the thermometer to avoid breakage and the proper cleanup techniques to follow should a breakage occur. See [DES's fact sheet](#) on cleaning up household spills of elemental mercury.

## **MANUFACTURER NOTIFICATION**

Effective July 1, 2001

Manufacturers of mercury-added products must notify the state regarding the type of mercury-added product(s) they produce, the amount of mercury added to each product, the purpose of the mercury, and the total amount of mercury in all products sold in the United States.

Manufacturers may report this information for a product category rather than for each individual product if the group of products meets the definition of a product category specified in the Mercury and Mercury-Added Products Interim Rules (Env-Wm 3800). Mercury-added products may not be sold in New Hampshire unless this notification is filed with DES.

Manufacturers are required to update the information provided in the notification whenever there is a significant change or when requested by DES. Information on the total amount of mercury in all products sold in the United States for an industry may be provided by a trade association rather than by each manufacturer.

The Interim Rules (Env-Wm 3800), which include provisions pertaining to the notification requirements, as well as a notification form and instructions, are available at [www.des.state.nh.us/nhppp/mercury.htm](http://www.des.state.nh.us/nhppp/mercury.htm).

The notification requirement does not apply to prescription drugs or any substance sold over the counter without a prescription under the Federal Food, Drug and Cosmetic Act.

## **Other DES Mercury Fact Sheets**

*Mercury in the Environment.* [BB-21. 1998](#)

*Mercury: Sources, Transport, Deposition, and Impacts.* [ARD-28. 1998](#)

*Waste Mercury-Containing Lamps: Management Requirements for Handlers and Transporters.* [HW-7. 1999](#)

*Waste Mercury-Containing Devices: Management Requirements for Handlers and Transporters.* [HW-17. 1999](#)

*Cleaning Up Household Spills of Elemental Mercury.* [HW-15. 1999](#)

These fact sheets are also available by calling the DES Public Information Center at (603) 271-8013.

## **MERCURY-ADDED NOVELTY ITEMS**

Effective January 1, 2002

No toy, game, card, ornament, or other novelty item with added mercury, including those with **non-removable** button batteries, may be sold or distributed for promotional purposes in New Hampshire. Novelty items that contain a removable button battery as the only source of added mercury in the product can still be sold. Manufacturers that produce and sell mercury-added novelties must notify retailers about the provisions of this section and how to properly dispose of the remaining inventory.

The full text of the bill can be accessed at

<http://gencourt.state.nh.us/ie/billstatus/quickbill.html> by searching for HB1418 from the 2000 session or by calling the NH Department of Environmental Services (DES) at 603-271-6460. Information on these requirements is available at the DES website ([www.des.state.nh.us/nhppp/mercury.htm](http://www.des.state.nh.us/nhppp/mercury.htm)) or you can contact Paul Lockwood at DES at (603) 271-2956.